IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 8764 of 2005

Between:

B. Srinivasa Rao, S/o. B. Raghava Rao,
R/o. Marrispeta, Tenali, Guntur District.

..... PETITIONER

AND/

1 K. Venkateshwar Rao, The Election Officer,
The Tenali Postal and Telegraph Employees, Mutually Aided Cooperative Thrift and Credit Society Limited,Kothapet, Tenali.
2 The Tenali Postal and Telegraph Employees, Mutually Aided Cooperative Thrift and Credit Society Limited,Kothapet, Tenali, rep. by its Secretary, I..Koteswar Rao

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing orders on the Petitioner's representation dt. 16-4-2005 in respect of deletement of ineligible voters in the voters list illegally prepared by the 2nd respondent contrary to the bye-laws and object of the 2nd respondent society in question is illegal and void and opposed to Articles 14, 19, and 21 of the Constitution of India and consequently to direct the respondents to delete the ineligible candidates after preparing the voters list with eligible candidates the 1st respondent conduct the election basing on the revised voters list.

Counsel for the Petitioner:MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents:Ms.N.Shoba

The Court made the following at the stage of admission:

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ORDER:

This Writ Petition is filed to declare the action of the 1st respondent in not passing orders on the petitioner's representation dated 16.4.2005 in respect of deletement of ineligible voters in the voters list illegally prepared by the 2nd respondent contrary to the bye-laws and object of the 2nd respondent society in question as illegal and void and consequently to direct the respondents to delete the ineligible candidates after preparing the voters list with eligible candidates and to conduct the elections basing on the revised voters list.

Heard the learned counsel for the petitioner and the learned counsel for the respondents.

The learned counsel for the petitioner submits that the petitioner made a representation on 16-04-2004 to the respondent No.1 for rectifying the mistakes in the voters list prepared by the 2nd respondent by deleting the ineligible voters in the voters list and to direct the 1st respondent to conduct the elections basing on the revised voters list as some of the members are possessing double membership in different societies and some of the members are extra departmental members and also to conduct the elections impartially, but, the respondent No.1 so far has not passed orders.

Further, the learned counsel for the petitioner submits that the petitioner, being one of the members of the society, has filed this Writ Petition seeking to

protect the interest of all the eligible members of the society,

The learned counsel appearing for the second respondent submits that the voters list was finalized, elections notification was made on 17-04-2005 and the date of elections is fixed on as 8-5-2005.

Having regard to the facts and circumstances of the case, if once the election notification is published, the question of entertaining the writ petition with regard to the deletion of ineligible candidates from the voters list does not arise. Moreover, for preparation of the revised voters list, the petitioner has to approach the Deputy Commissioner of Registrar, Cooperative Society, but the petitioner instead of approaching the said appellate authority, straight away approached this Court by filing the writ petition without exhausting his remedy available in law.

The Writ Petition is, accordingly, dismissed. No order as to costs.

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Elipe Dharma Rao, J

25-04-2005

Stp

To

1Sri K. Venkateshwar Rao, Election Officer,
The Tenali Postal and Telegraph Employees, Mutually Aided Cooperative Thrift and Credit Society Limited,Kothapet, Tenali.
2 Sri I.Koteswar Rao,Secretary,The Tenali Postal and Telegraph Employees, Mutually Aided Cooperative Thrift and Credit Society Limited,Kothapet, Tenali.

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